

103D CONGRESS
1ST SESSION

H. R. 2150

AN ACT

To authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes.

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To authorize appropriations for fiscal year 1994 for the
United States Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act of 1993”.

6 **TITLE I—AUTHORIZATION**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

8 Funds are authorized to be appropriated for nec-
9 essary expenses of the Coast Guard for fiscal year 1994,
10 as follows:

1 (1) For the operation and maintenance of the
2 Coast Guard, \$2,612,552,200, of which \$25,000,000
3 shall be derived from the Oil Spill Liability Trust
4 Fund, and of which \$35,000,000 shall be expended
5 from the Boat Safety Account.

6 (2) For the acquisition, construction, rebuild-
7 ing, and improvement of aids to navigation, shore
8 and offshore facilities, vessels, and aircraft, includ-
9 ing equipment related thereto, \$417,996,500, to re-
10 main available until expended, of which \$23,030,000
11 shall be derived from the Oil Spill Liability Trust
12 Fund to carry out the purposes of section
13 1012(a)(5) of the Oil Pollution Act of 1990.

14 (3) For research, development, test, and evalua-
15 tion, in support of search and rescue, aids to naviga-
16 tion of technologies, materials, and human factors
17 directly relating to improving the performance of the
18 Coast Guard's mission, marine safety, marine envi-
19 ronmental protection, enforcement of laws and trea-
20 ties, ice operations, and defense readiness,
21 \$25,000,000, to remain available until expended, of
22 which \$4,457,000 shall be derived from the Oil Spill
23 Liability Trust Fund.

24 (4) For retired pay (including the payment of
25 obligations otherwise chargeable to lapsed appropria-

1 tions for this purpose), payments under the Retired
2 Serviceman's Family Protection and Survivor Bene-
3 fit Plans, and payments for medical care of retired
4 personnel and their dependents under chapter 55 of
5 title 10, United States Code, \$548,774,000.

6 (5) For alteration or removal of bridges over
7 navigable waters of the United States constituting
8 obstructions to navigation associated with the Bridge
9 Alteration Program, \$12,940,000 to remain avail-
10 able until expended.

11 (6) For environmental compliance and restora-
12 tion at Coast Guard facilities, \$23,057,000, to re-
13 main available until expended.

14 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
15 **AND TRAINING.**

16 (a) As of September 30, 1994, the Coast Guard is
17 authorized an end-of-year strength for active duty person-
18 nel of 39,138. The authorized strength does not include
19 members of the Ready Reserve called to active duty for
20 special or emergency augmentation of regular Coast
21 Guard forces for periods of 180 days or less.

22 (b) For fiscal year 1994, the Coast Guard is author-
23 ized average military training student loads as follows:

24 (1) For recruit and special training, 1,986 stu-
25 dent years.

1 (2) For flight training, 114 student years.

2 (3) For professional training in military and ci-
3 vilian institutions, 338 student years.

4 (4) For officer acquisition, 955 student years.

5 **TITLE II—PERSONNEL**
6 **MANAGEMENT IMPROVEMENT**

7 **SEC. 201. CEILING ON OFFICER CORPS.**

8 Subsection (a) of section 42 of title 14, United States
9 Code, is amended by striking “6,000” and inserting
10 “6,200”.

11 **SEC. 202. VOLUNTEER SERVICES.**

12 Section 93 of title 14, United States Code, is amend-
13 ed by—

14 (1) striking “and” at the end of paragraph (r);

15 (2) striking the period at the end of paragraph
16 (s) and inserting “; and”; and

17 (3) adding at the end the following new sub-
18 section:

19 “(t) Notwithstanding any other law, enter into coop-
20 erative agreements with States, local governments, non-
21 governmental organizations, and individuals, to accept and
22 utilize voluntary services for the maintenance and im-
23 provement of natural and historic resources on, or to bene-
24 fit natural and historic research on, Coast Guard facilities,
25 which cooperative agreements shall each provide for the

1 parties to contribute funds or services on a matching basis
2 to defray the costs of such programs, projects, and activi-
3 ties under the agreement.”.

4 **SEC. 203. RESERVE RETENTION BOARDS.**

5 Section 741 of title 14, United States Code, is
6 amended—

7 (1) in subsection (a) in the first sentence by
8 striking “and are not on active duty and not on an
9 approved list of selectees for promotion to the next
10 higher grade” and inserting the following: “, except
11 those officers who—

12 “(1) are on extended active duty;

13 “(2) are on a list of selectees for promotion;

14 “(3) will complete 30 years total commissioned
15 service by June 30th following the date that the re-
16 tention board is convened; or

17 “(4) have reached age 59 by the date on which
18 the retention board is convened”;

19 (2) in subsection (a) by moving the second sen-
20 tence so as to begin—

21 (A) immediately below paragraph (4) (as
22 added by paragraph (1) of this section); and

23 (B) flush with the left margin of the mate-
24 rial preceding paragraph (1);

1 (3) by designating the third sentence of sub-
2 section (a) as subsection (b) by—

3 (A) inserting “(b)” before “This board
4 shall—”; and

5 (B) moving the third sentence so as to
6 begin immediately below the second sentence of
7 subsection (a); and

8 (4) by redesignating the last 2 subsections as
9 subsection (c) and (d), respectively.

10 **SEC. 204. BOARD FOR CORRECTION OF MILITARY RECORDS**

11 **DEADLINE.**

12 (a) Ten months after a complete application for cor-
13 rection of military records is received by the Board for
14 Correction of Military Records of the Coast Guard, admin-
15 istrative remedies are deemed to have been exhausted,
16 and—

17 (1) if the Board has rendered a recommended
18 decision, its recommendation shall be final agency
19 action and not subject to further review or approval
20 within the Department of Transportation; or

21 (2) if the Board has not rendered a rec-
22 ommended decision, agency action is deemed to have
23 been unreasonably delayed or withheld and the ap-
24 plicant is entitled to—

1 (A) an order under section 706(1) of title
2 5, United States Code, directing final action be
3 taken within 30 days from the date the order
4 is entered; and

5 (B) from amounts appropriated to the De-
6 partment of Transportation, the costs of obtain-
7 ing the order, including a reasonable attorney's
8 fee.

9 (b) The 10-month deadline established in section 212
10 of the Coast Guard Authorization Act of 1989 (Public
11 Law 101-225, 103 Stat. 1914) is mandatory, and applies
12 to any application pending before the Board or the Sec-
13 retary of Transportation on June 12, 1990.

14 **SEC. 205. CONTINUITY OF GRADE OF ADMIRALS AND VICE**
15 **ADMIRALS.**

16 (a) Section 46(a) of title 14, United States Code, is
17 amended to read as follows:

18 “(a) A Commandant who is not reappointed shall be
19 retired with the grade of admiral at the expiration of the
20 appointed term, except as provided in subsection 51(d) of
21 this title.”.

22 (b)(1) Section 47 of title 14, United States Code, is
23 amended—

24 (A) in the heading by striking “; **retire-**
25 **ment**”;

1 (B) in subsection (a) by—

2 (i) striking “(a)” at the beginning thereof,

3 and

4 (ii) striking the last sentence and inserting

5 the following: “The appointment and grade of a

6 Vice Commandant shall be effective on the date

7 the officer assumes that duty, and shall termi-

8 nate on the date the officer is detached from

9 that duty, except as provided in subsection

10 51(d) of this title.”; and

11 (C) by striking subsections (b), (c), and (d).

12 (2) The table of sections at the beginning of chapter

13 3 of title 14, United States Code, is amended by striking

14 the item relating to section 47 and inserting the following:

“47. Vice Commandant; assignment.”.

15 (c) Section 50(b) of title 14, United States Code, is

16 amended by striking the last sentence and inserting “The

17 appointment and grade of an area commander shall be ef-

18 fective on the date the officer assumes that duty, and shall

19 terminate on the date the officer is detached from that

20 duty, except as provided in subsection 51(d) of this title.”.

21 (d) Section 51 of title 14, United States Code, is

22 amended by adding at the end the following new sub-

23 section:

24 “(d) An officer serving in the grade of admiral or vice

25 admiral shall continue to hold that grade—

1 “(1) while being processed for physical disabili-
2 ty retirement, beginning on the day of the process-
3 ing and ending on the day that officer is retired, but
4 not for more than 180 days; and

5 “(2) while awaiting retirement, beginning on
6 the day that officer is relieved from the position of
7 Commandant, Vice Commandant, Area Commander,
8 or Chief of Staff and ending on the day before the
9 officer’s retirement, but not for more than 60
10 days.”.

11 **SEC. 206. CHIEF OF STAFF.**

12 (a) Section 41a(b) of title 14, United States Code,
13 is amended by striking “, except that the rear admiral
14 serving as Chief of Staff shall be the senior rear admiral
15 for all purposes other than pay” at the end of the second
16 sentence.

17 (b)(1) Title 14, United States Code, is amended by
18 inserting after section 50 the following new section:

19 **“§ 50a. Chief of Staff**

20 “(a) The President may appoint, by and with the ad-
21 vice and consent of the Senate, a Chief of Staff of the
22 Coast Guard who shall rank next after the area command-
23 ers and who shall perform duties as prescribed by the
24 Commandant. The Chief of Staff shall be appointed from
25 the officers on the active duty promotion list serving above

1 the grade of captain. The Commandant shall make rec-
2 ommendations for the appointment.

3 “(b) The Chief of Staff shall have the grade of vice
4 admiral with the pay and allowances of that grade. The
5 appointment and grade of the Chief of Staff shall be effec-
6 tive on the date the officer assumes that duty, and shall
7 terminate on the date the officer is detached from that
8 duty, except as provided in section 51(d) of this title.”.

9 (2) The table of sections at the beginning of chapter
10 3 of title 14, United States Code, is amended by inserting
11 after the item relating to section 50 the following:

“50a. Chief of Staff.”.

12 (c) Section 51 of title 14, United States Code, is
13 amended—

14 (1) in subsection (a) by striking “as Com-
15 mander, Atlantic Area, or Commander, Pacific
16 Area” and inserting “in the grade of vice admiral”;
17 and

18 (2) in subsection (b) by striking “as Com-
19 mander, Atlantic Area, or Commander, Pacific
20 Area” and inserting “in the grade of vice admiral”.

21 (d) Section 290 of title 14, United States Code, is
22 amended—

23 (1) in subsection (a) by striking “or in the posi-
24 tion of Chief of Staff” in the second sentence;

1 (2) in subsection (f)(1) by striking “Chief of
2 Staff or”; and

3 (3) in subsection (f)(2) by striking “Chief of
4 Staff or”.

5 **TITLE III—MISCELLANEOUS**
6 **SECTIONS**

7 **SEC. 301. NORTH ATLANTIC ROUTES.**

8 Sections 3 and 5 of the Act of June 25, 1936 (49
9 Stat. 1922, 46 App. U.S.C. 738b and 738d), are repealed.

10 **SEC. 302. COAST GUARD FAMILY HOUSING.**

11 (a) IN GENERAL.—Chapter 17 of title 14, United
12 States Code, is amended by adding at the end the follow-
13 ing new section:

14 **“§ 670. Procurement authority for family housing**

15 “(a) The Secretary is authorized—

16 “(1) to acquire, subject to the availability of ap-
17 propriations sufficient to cover its full obligations,
18 real property or interests therein by purchase, lease
19 for a term not to exceed 5 years, or otherwise, for
20 use as Coast Guard family housing units, including
21 the acquisition of condominium units, which may in-
22 clude the obligation to pay maintenance, repair, and
23 other condominium-related fees; and

24 “(2) to dispose of by sale, lease, or otherwise,
25 any real property or interest therein used for Coast

1 Guard family housing units for adequate consider-
2 ation.

3 “(b)(1) For the purposes of this section, a multiyear
4 contract is a contract to lease Coast Guard family housing
5 units for at least one, but not more than 5, fiscal years.

6 “(2) The Secretary may enter into multiyear con-
7 tracts under subsection (a) of this section whenever the
8 Coast Guard finds that—

9 “(A) the use of a contract will promote the effi-
10 ciency of the Coast Guard family housing program
11 and will result in reduced total costs under the con-
12 tract; and

13 “(B) there are realistic estimates of both the
14 cost of the contract and the anticipated cost avoid-
15 ance through the use of a multiyear contract.

16 “(3) A multiyear contract authorized under sub-
17 section (a) of this section shall contain cancellation and
18 termination provisions to the extent necessary to protect
19 the best interests of the United States, and may include
20 consideration of both recurring and nonrecurring costs.
21 The contract may provide for a cancellation payment to
22 be made. Amounts that were originally obligated for the
23 cost of the contract may be used for cancellation or termi-
24 nation costs.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 17, United States Code, is
3 amended by adding at the end the following:

“670. Procurement authority for family housing.”.

4 **SEC. 303. AIR STATION CAPE COD IMPROVEMENTS.**

5 (a) IN GENERAL.—Chapter 17 of title 14, United
6 States Code, is amended by adding after section 670 (as
7 added by section 302 of this Act) the following new
8 section:

9 **“§ 671. Air Station Cape Cod improvements**

10 “The Secretary may expend funds for the repair, im-
11 provement, restoration, or replacement of those federally
12 or nonfederally owned support buildings, including appur-
13 tenances, which are on leased or permitted real property
14 constituting Coast Guard Air Station Cape Cod, located
15 on Massachusetts Military Reservation, Cape Cod, Massa-
16 chusetts.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 17, United States Code, is
19 amended by adding after the item relating to section 670
20 (as added by section 302 of this Act) the following:

“671. Air Station Cape Cod improvements.”.

1 **SEC. 304. LONG-TERM LEASE AUTHORITY FOR AIDS TO**
2 **NAVIGATION.**

3 (a) Chapter 17 of title 14, United States Code, is
4 amended by adding after section 671 (as added by section
5 303 of this Act) the following new section:

6 **“§ 672. Long-term lease authority for navigation and**
7 **communications systems sites**

8 “(a) The Secretary is authorized, subject to the avail-
9 ability of appropriations, to enter into lease agreements
10 to acquire real property or interests therein for a term
11 not to exceed 20 years, inclusive of any automatic renewal
12 clauses, for aids to navigation (hereafter in this section
13 referred to as ‘ATON’) sites, vessel traffic service (here-
14 after in this section referred to as ‘VTS’) sensor sites, or
15 National Distress System (hereafter in this section re-
16 ferred to as ‘NDS’) high level antenna sites. These lease
17 agreements shall include cancellation and termination pro-
18 visions to the extent necessary to protect the best interests
19 of the United States. Cancellation payment provisions may
20 include consideration of both recurring and nonrecurring
21 costs associated with the real property interests under the
22 contract. These lease agreements may provide for a can-
23 cellation payment to be made. Amounts that were origi-
24 nally obligated for the cost of the contract may be used
25 for cancellation or termination costs.

1 “(b) The Secretary may enter into multiyear lease
2 agreements under subsection (a) of this section whenever
3 the Secretary finds that—

4 “(1) the use of such a lease agreement will pro-
5 mote the efficiency of the ATON, VTS, or NDS pro-
6 grams and will result in reduced total costs under
7 the agreement;

8 “(2) the minimum need for the real property or
9 interest therein to be leased is expected to remain
10 substantially unchanged during the contemplated
11 lease period; and

12 “(3) the estimates of both the cost of the lease
13 and the anticipated cost avoidance through the use
14 of a multiyear lease are realistic.”.

15 (b) The table of sections at the beginning of chapter
16 17 of title 14, United States Code, is amended by adding
17 after the item relating to section 671 (as added by section
18 303 of this Act) the following:

“672. Long-term lease authority for navigation and communications systems
sites.”.

19 **SEC. 305. AUTHORITY FOR EDUCATIONAL RESEARCH**
20 **GRANTS.**

21 (a) IN GENERAL.—Chapter 9 of title 14, United
22 States Code, is amended by adding at the end the follow-
23 ing new section:

1 **“§ 196. Participation in Federal, State, or other edu-**
 2 **cational research grants**

3 “Notwithstanding any other provision of law, the
 4 United States Coast Guard Academy may compete for and
 5 accept Federal, State, or other educational research
 6 grants, subject to the following limitations:

7 “(1) No award may be accepted for the acquisi-
 8 tion or construction of facilities.

9 “(2) No award may be accepted for the routine
 10 functions of the Academy.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 9 of title 14, United States
 13 Code, is amended by adding at the end the following:

“196. Participation in Federal, State, or other educational research grants.”.

14 **SEC. 306. PREPOSITIONED OIL SPILL CLEANUP EQUIP-**
 15 **MENT.**

16 The Secretary of Transportation is authorized to ex-
 17 pend out of amounts appropriated for acquisition, con-
 18 struction, and improvement that are derived from the Oil
 19 Spill Liability Trust Fund for fiscal year 1994—

20 (1) \$890,000 to acquire and preposition oil spill
 21 response equipment at Port Arthur, Texas, and

22 (2) \$890,000 to acquire and preposition oil spill
 23 response equipment at Helena, Arkansas, subject to
 24 the Secretary determining that adequate storage and
 25 maintenance facilities are available.

1 **SEC. 307. SHORE FACILITIES IMPROVEMENTS AT COAST**
2 **GUARD STATION LITTLE CREEK, VIRGINIA.**

3 (a) The Secretary of Transportation, subject to the
4 availability of appropriations, may at Coast Guard Station
5 Little Creek, Virginia—

6 (1) construct a 2-story station building with
7 operational, administrative, and living spaces;

8 (2) construct a 180-foot long pier for Coast
9 Guard patrol boats;

10 (3) construct a boat ramp; and

11 (4) strengthen a waterfront bulkhead.

12 (b) Funds necessary to carry out this section are au-
13 thorized to be appropriated for fiscal years 1994, 1995,
14 and 1996.

15 **SEC. 308. OIL SPILL TRAINING SIMULATOR.**

16 The Secretary of Transportation is authorized to ex-
17 pend out of the amounts appropriated for fiscal year 1994
18 for acquisition, construction, and improvement that are
19 derived from the Oil Spill Liability Trust Fund not more
20 than \$1,250,000 to the New York Maritime College of the
21 State of New York to purchase a marine oil spill manage-
22 ment simulator.

23 **SEC. 309. GULF OF MEXICO REGIONAL FISHERIES LAW EN-**
24 **FORCEMENT TRAINING CENTER.**

25 The Coast Guard shall establish the Gulf of Mexico
26 Regional Fisheries Law Enforcement Training Center in

1 the Eighth Coast Guard District in Southeastern Louisi-
2 ana. The purpose of the Gulf of Mexico Regional Fisheries
3 Law Enforcement Training Center shall be to increase the
4 skills and training of Coast Guard fisheries law enforce-
5 ment personnel and to ensure that such training considers
6 and meets the unique and complex needs and demands
7 of the fisheries of the Gulf of Mexico.

8 **SEC. 310. OIL SPILL PREVENTION AND RESPONSE TECH-**
9 **NOLOGY TEST AND EVALUATION PROGRAM.**

10 (a) Not later than 6 months after the date of enact-
11 ment of this Act, the Secretary of Transportation shall
12 establish a program to evaluate the technological feasibil-
13 ity and environmental benefits of having tank vessels carry
14 oil spill prevention and response technology. To implement
15 the program the Secretary shall—

16 (1) publish in the Federal Register an invita-
17 tion for submission of proposals including plans and
18 procedures for testing; and

19 (2) review and evaluate technology using, to the
20 maximum extent possible, existing evaluation and
21 performance standards.

22 (b) The Secretary shall, to the maximum extent pos-
23 sible, incorporate in the program established in subsection
24 (a), the results of existing studies and evaluations of oil

1 spill prevention and response technology carried on tank
2 vessels.

3 (c) Not later than 2 years after the date of the enact-
4 ment of this Act, the Secretary shall evaluate the results
5 of the program established in subsection (a) and submit
6 a report to Congress with recommendations on the fea-
7 sibility and environmental benefits of, and appropriate
8 equipment and utilization standards for, requiring tank
9 vessels to carry oil spill prevention and response
10 equipment.

11 (d) Not later than 6 months after the date of the
12 enactment of this Act, the Secretary shall evaluate and
13 report to the Congress on the feasibility of using seg-
14 regated ballast tanks for emergency transfer of cargo and
15 storage of recovered oil.

16 **SEC. 311. UNMANNED SEAGOING BARGES.**

17 Section 3302 of title 46, United States Code, is
18 amended by adding at the end the following:

19 “(m) A seagoing barge is not subject to inspection
20 under section 3301(6) of this title if the vessel is un-
21 manned and does not carry—

22 “(1) a hazardous material as cargo; or

23 “(2) a flammable or combustible liquid, includ-
24 ing oil, in bulk.”.

1 **SEC. 312. PROHIBITION ON DECOMMISSIONING ICE-**
2 **BREAKER MACKINAW.**

3 (a) The Secretary of Transportation may not decom-
4 mission the Coast Guard cutter MACKINAW until the
5 later of—

6 (1) 1 year after transmitting to the Congress
7 the report required under subsection (c); or

8 (2) October 1, 1994.

9 (b) There is authorized to be appropriated to the Sec-
10 retary of Transportation \$1,600,000 for fiscal year 1994,
11 to remain available until expended, for operations and
12 maintenance of the Coast Guard cutter MACKINAW.

13 (c) Not later than 6 months after the date of enact-
14 ment of this Act, the Secretary of Transportation shall
15 conduct a study and submit a report to the Congress on
16 the icebreaking needs of the Great Lakes and the appro-
17 priate size and type of vessel or vessels to meet those
18 needs. In conducting this study, the Secretary shall—

19 (1) consult with—

20 (A) Great Lakes shippers, including the
21 Lake Carriers Association;

22 (B) the Great Lakes Commission;

23 (C) the Governors of States bordering the
24 Great Lakes;

25 (D) local governments in States bordering
26 the Great Lakes; and

1 (E) interested private persons;

2 (2) determine the average and maximum ice
3 conditions in the Great Lakes over the past 10
4 years;

5 (3) determine the size and type of vessel or ves-
6 sels necessary to clear shipping channels in the aver-
7 age and maximum ice conditions determined under
8 paragraph (2); and

9 (4) evaluate whether any Coast Guard vessel
10 stationed on the Great Lakes, other than the
11 MACKINAW, can safely conduct search and rescue
12 missions in 25-foot seas.

13 **SEC. 313. REQUIREMENT TO MAINTAIN COAST GUARD OF-**
14 **FICE AT SAINT IGNACE, MICHIGAN.**

15 The Secretary of Transportation shall during fiscal
16 year 1994—

17 (1) maintain at Saint Ignace, Michigan, the of-
18 fice known as the Marine Inspection Office, which
19 shall perform the functions which were performed by
20 that office on May 20, 1993; and

21 (2) maintain 4 billets at that office.

22 **SEC. 314. CAPE COD LIGHTHOUSE PLANNING AND DESIGN**
23 **STUDIES.**

24 (a) COMPLETION OF STUDIES.—

1 (1) PLANNING.—Not later than 6 months after
2 the date of the enactment of this Act, the Secretary
3 of Transportation and the Secretary of the Interior
4 shall complete the necessary planning studies, in-
5 cluding selection of a relocation site, identified in the
6 Coast Guard’s strategy document for relocation of
7 the Cape Cod Lighthouse (popularly known as the
8 “Highland Light Station”), located in North Truro,
9 Massachusetts.

10 (2) DESIGN.—Not later than 18 months after
11 the date of enactment of this Act, the Secretary of
12 Transportation shall complete the design studies
13 identified in the Coast Guard’s strategy document
14 for relocation of the Cape Cod Lighthouse.

15 (b) USE OF AMOUNTS FOR STUDIES.—Of amounts
16 appropriated under the authority of this Act for acqui-
17 sition, construction, rebuilding, and improvement, the Sec-
18 retary of Transportation may use up to \$600,000 for con-
19 ducting the studies required under subsection (a).

20 **SEC. 315. LOWER COLUMBIA RIVER MARINE FIRE AND**
21 **SAFETY ACTIVITIES.**

22 The Secretary of Transportation is authorized to ex-
23 pend out of the amounts appropriated for the Coast Guard
24 for fiscal year 1994 not more than \$421,700, for fiscal
25 year 1995 not more than \$358,300, and for fiscal year

1 1996 not more than \$300,000 for the lower Columbia
2 River marine, fire, oil, and toxic spill response communica-
3 tions, training, equipment, and program administration
4 activities conducted by the Marine Fire and Safety
5 Association.

6 **SEC. 316. TRANSFER OF LIGHTHOUSES.**

7 (a) AUTHORITY TO TRANSFER.—

8 (1) IN GENERAL.—The Secretary may convey
9 by any appropriate means to the Washington State
10 Parks and Recreation Commission all right, title,
11 and interest of the United States in and to property
12 comprising 1 or more of the Cape Disappointment
13 Lighthouse, North Head Lighthouse, and Point Wil-
14 son Lighthouse.

15 (2) IDENTIFICATION OF PROPERTY.—The Sec-
16 retary may identify, describe, and determine prop-
17 erty conveyed pursuant to this section.

18 (b) TERMS AND CONDITIONS.—

19 (1) IN GENERAL.—The conveyance of property
20 pursuant to subsection (a) shall be made—

21 (A) without the payment of consideration;

22 and

23 (B) subject to such terms and conditions
24 as the Secretary may consider appropriate.

1 (2) REVERSIONARY INTEREST.—In addition to
2 any term or condition established pursuant to para-
3 graph (1), any conveyance of property comprising
4 Cape Disappointment Lighthouse, North Head
5 Lighthouse, or Point Wilson Lighthouse pursuant to
6 this section shall be subject to the condition that all
7 right, title, and interest in and to the property so
8 conveyed shall immediately revert to the United
9 States if the property, or any part thereof—

10 (A) ceases to be used as a center for public
11 benefit for the interpretation and preservation
12 of maritime history;

13 (B) ceases to be maintained in a manner
14 that ensures its present or future use as a
15 Coast Guard aid to navigation; or

16 (C) ceases to be maintained in a manner
17 consistent with the provisions of the National
18 Historic Preservation Act of 1966 (16 U.S.C.
19 470 et seq.).

20 (3) REQUIRED CONDITIONS.—Any conveyance
21 of property pursuant to this section shall be made
22 subject to such conditions as the Secretary considers
23 to be necessary to assure that—

24 (A) the lights, antennas, and associated
25 equipment located on the property conveyed,

1 which are active aids to navigation, shall con-
2 tinue to be operated and maintained by the
3 United States;

4 (B) the Washington State Parks and
5 Recreation Commission may not interfere or
6 allow interference in any manner with such aids
7 to navigation without express written permis-
8 sion from the Secretary of Transportation;

9 (C) there is reserved to the United States
10 the right to relocate, replace, or add any aids
11 to navigation or make any changes on any por-
12 tion of such property as may be necessary for
13 navigation purposes;

14 (D) the United States shall have the right,
15 at any time, to enter such property without no-
16 tice for the purpose of maintaining aids to
17 navigation;

18 (E) the United States shall have an ease-
19 ment of access to such property for the purpose
20 of maintaining the aids to navigation in use on
21 the property; and

22 (F) the property shall be rehabilitated and
23 maintained by the owner in accordance with the
24 provisions of the National Historic Preservation
25 Act of 1966 (16 U.S.C. 470 et seq.).

1 (4) MAINTENANCE OF CERTAIN EQUIPMENT
2 NOT REQUIRED.—The Washington State Parks and
3 Recreation Commission shall not have any obligation
4 to maintain any active aid to navigation equipment
5 on property conveyed pursuant to this section.

6 (c) DEFINITIONS.—For purposes of this section, the
7 term—

8 (1) “Cape Disappointment Lighthouse” means
9 the Coast Guard lighthouse located at Fort Canby
10 State Park, Washington, including—

11 (A) the lighthouse, excluding any lantern
12 or lens that is the personal property of the
13 Coast Guard; and

14 (B) such land as may be necessary to en-
15 able the Washington State Parks and Recre-
16 ation Commission to operate at that lighthouse
17 a center for public benefit for the interpretation
18 and preservation of the maritime history;

19 (2) “North Head Lighthouse” means the Coast
20 Guard lighthouse located at Fort Canby State Park,
21 Washington, including—

22 (A) the lighthouse, excluding any lantern
23 or lens that is the personal property of the
24 Coast Guard;

25 (B) ancillary buildings; and

1 (C) such land as may be necessary to en-
2 able the Washington State Parks and Recre-
3 ation Commission to operate at that lighthouse
4 a center for public benefit for the interpretation
5 and preservation of maritime history;

6 (3) “Point Wilson Lighthouse” means the
7 Coast Guard lighthouse located at Fort Worden
8 State Park, Washington, including—

9 (A) the lighthouse, excluding any lantern
10 or lens that is the personal property of the
11 Coast Guard;

12 (B) 2 ancillary buildings; and

13 (C) such land as may be necessary to en-
14 able the Washington State Parks and Recre-
15 ation Commission to operate at that lighthouse
16 a center for public benefit for the interpretation
17 and preservation of maritime history; and

18 (4) “Secretary” means the Secretary of the de-
19 partment in which the Coast Guard is operating.

20 **SEC. 317. CASS RIVER.**

21 Subtitle II of title 46, United States Code, relating
22 only to vessel inspection and manning, shall not apply to
23 a vessel operating on the date of enactment of this Act
24 on the Cass River above the dam at Frankenmuth, Michi-
25 gan (locally known as the Hubinger Dam) which is in-

1 spected and licensed by the State of Michigan to carry
2 passengers.

3 **SEC. 318. SENSE OF THE CONGRESS REGARDING FUNDING**
4 **FOR COAST GUARD.**

5 It is the sense of the Congress that in appropriating
6 amounts for the Coast Guard, the Congress should appro-
7 priate amounts adequate to enable the Coast Guard to
8 carry out all extraordinary functions and duties the Coast
9 Guard is required to undertake in addition to its normal
10 functions established by law.

11 **SEC. 319. MERCHANT MARINER QUALIFIED SERVICE.**

12 Part G of Subtitle II, title 46 United States Code
13 is amended by adding the following new chapter:

14 **“CHAPTER 112—MERCHANT MARINER**
15 **QUALIFIED SERVICE**

“Sec.

“11201. General.

“11202. Qualified service benefits.

“11203. Processing fees.

“11204. Definitions.

16 **“§ 11201. General**

17 “An individual who served as a member of the United
18 States merchant marine between December 7, 1941, and
19 December 31, 1946, was engaged in qualified service for
20 purposes of this chapter if during that period the person
21 was—

1 “(1) licensed or otherwise documented by an of-
2 ficer or employee of the United States authorized to
3 do so; and

4 “(2) a crewmember of a vessel that at the time
5 of such service was—

6 “(A) documented in the United States;

7 “(B) operated in waters other than inland
8 waters of the United States;

9 “(C) under contract, charter to, or prop-
10 erty of, the Government of the United States;
11 and

12 “(D) serving the Armed Forces.

13 **“§ 11202. Qualified service benefits**

14 “(a) An individual who meets the requirements for
15 qualified service under section 11201 may apply to the
16 Secretary for benefits provided to an individual under sec-
17 tion 401(a)(1)(A) of the Act.

18 “(b) When the Secretary determines that an individ-
19 ual meets the requirements for qualified service under sec-
20 tion 11201, the Secretary shall notify the Secretary of
21 Defense.

22 “(c) Not later than one year after the individual has
23 applied for benefits under subsection (a), the Secretary of
24 Defense shall issue an honorable discharge to the individ-
25 ual described in subsection (b) whose qualified service war-

1 rants an honorable discharge under section 401(a)(1)(B)
2 of the Act.

3 “(d) The Secretary of Transportation shall pay for
4 any benefits that an individual receives under this chapter.
5 The Secretary may not pay for benefits for any period
6 prior to the date of enactment of this chapter.

7 **“§ 11203. Processing fees**

8 “(a) The Secretary shall establish, assess, and collect
9 a fee for processing applications for benefits under section
10 11202.

11 “(b) A fee established under this section applies to
12 an application that the Secretary receives after the enact-
13 ment of this Act for a benefit, including an increase in
14 a benefit, under section 11202.

15 “(c) The amount of a fee established under this sec-
16 tion is \$30.

17 **“§ 11204. Definitions**

18 “In this chapter—

19 “(1) ‘the Act’ means the GI Bill Improvement
20 Act of 1977.

21 “(2) ‘United States merchant marine’ includes
22 the United States Army Transport Service.”.

23 **SEC. 320. COMPLIANCE WITH BUY AMERICAN ACT.**

24 No funds appropriated pursuant to this Act may be
25 expended by an entity unless the entity agrees that in ex-

1 pending the assistance the entity will comply with sections
2 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
3 10c, popularly known as the “Buy American Act”).

4 **SEC. 321. SENSE OF CONGRESS; REQUIREMENT REGARD-**
5 **ING NOTICE.**

6 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT
7 AND PRODUCTS.—In the case of any equipment or prod-
8 ucts that may be authorized to be purchased with financial
9 assistance provided under this Act, it is the sense of the
10 Congress that entities receiving such assistance should, in
11 expending the assistance, purchase only American-made
12 equipment and products.

13 (d) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
14 providing financial assistance under this Act, the head of
15 each Federal agency shall provide to each recipient of the
16 assistance a notice describing the statement in subsection
17 (a) by the Congress.

18 **SEC. 322. PROHIBITION OF CONTRACTS.**

19 If it is finally determined by a court or Federal agen-
20 cy that a person intentionally affixed a label bearing a
21 “Made in America” inscription, or any inscription with the
22 same meaning, to any product sold in or shipped to the
23 United States that is not made in the United States, such
24 person shall be determined to be ineligible to receive any
25 contract or subcontract made with funds provided pursu-

1 ant to this Act, pursuant to the debarment, suspension,
2 and ineligibility procedures described in sections 9.400
3 through 9.409 of title 48, Code of Federal Regulations.

Passed the House of Representatives July 30, 1993.

Attest:

Clerk.

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HR 2150 EH—3